

EXHIBIT 4

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12 DEPOSITION OF NANCY BRITTON, taken pursuant to
13 Notice and Agreement under the Rules of Civil Procedure
14 for the District Courts of Minnesota, and taken at the
15 law office of Barry & Slade, 2021 East Hennepin Avenue,
16 Suite 195, in the City of Minneapolis, State of
17 Minnesota, on the 18th day of November, 2009, at
18 11:40 a.m., before Lori L. Okeson, RPR, a Notary Public
19 in and for the County of Stearns, State of Minnesota.

1	I N D E X		
2	EXAMINATION		PAGE
3	By Mr. Herring		4
4			
5			
6	OBJECTIONS:		
7	By Mr. Scott:	11, 29, 30, 35, 47, 53, 54, 55,	
8		59, 60	
9			
10	INFORMATION/DOCUMENT REQUEST:		
11	By Mr. Herring:		
12	Copy of the materials with the statement		
13	that in Alabama you're allowed to ask a		
14	neighbor to deliver a message to a		
	debtor		35
15	Sheet that tells what the various state		
16	laws are that Ms. Britton keeps at her		
	desk		36
17			
18			
19	INSTRUCTIONS NOT TO ANSWER:		
20	None.		
21			
22			
23			
24			
25			

1 **APPEARANCES:**

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3 M. Stan Herring, Attorney at Law, The Kress
4 Building, 301 Nineteenth Street North, Birmingham,
5 Alabama 35203, appearing on behalf of the Plaintiff.

6

7 John W. Scott, Scott, Dukes & Geisler, P.C., 2100
8 Third Avenue North, Suite 700, Birmingham, Alabama 35203,
9 appearing on behalf of the Defendant.

10

11 **ALSO PRESENT:** Sue Johnson

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15 (WHEREUPON, the following proceedings were
16 duly had:--)

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1 NANCY BRITTON,
2 after having been first duly sworn,
3 states on her oath as follows:

4 ***

5 **EXAMINATION**

6 BY MR. HERRING:

7 Q. Will you please identify yourself for the record?

8 A. Nancy Britton.

9 Q. And where are you currently employed, Ms. Britton?

10 A. I.C. Systems.

11 Q. And how long have you been employed with
12 I.C. Systems?

13 A. At this time, two years.

14 Q. And when were you first hired by I.C. Systems?

15 A. The first time would have been in '05, I believe.

16 Q. Okay. And what were you hired to do in 2005 for
17 I.C. Systems?

18 A. Bill collector.

19 Q. And how long were you with I.C. Systems before you
20 left?

21 A. At that point, I believe, six months.

22 Q. Okay. And why did you leave?

23 A. I don't recall.

24 Q. Did you leave in 2005 or 2006?

25 A. I left in 2005.

NANCY BRITTON

5

1 Q. Okay. And you don't recall why it was that you
2 left?

3 A. I don't know if -- no, I don't. I don't know if it
4 at that point was personal reasons.

5 Q. Where -- did you leave as a result of any kind of
6 on-the-job disciplinary action?

7 A. Absolutely not.

8 Q. Okay. Have you ever been disciplined by
9 I.C. Systems for anything related to collection
10 activities?

11 A. No.

12 Q. And where did you work after you left I.C. Systems?

13 A. I worked at People First Recoveries.

14 Q. Is that another debt collector?

15 A. Yes.

16 Q. And what did you do for them?

17 A. I was a collections manager.

18 Q. And how long did you work there?

19 A. A year.

20 Q. And when did you leave there in 2006?

21 A. Actually, I took time off. I didn't -- I was with
22 them immediately before this two-year period with
23 I.C. System.

24 Q. Okay. So you took time off between I.C. Systems
25 and People First?

1 A. Um-hum.

2 Q. And when was it that you were rehired by
3 I.C. Systems?

4 A. '07.

5 Q. When in '07?

6 A. September.

7 Q. And you've worked continuously for I.C. Systems up
8 until the present?

9 A. Correct.

10 Q. What's your current address?

11 A. -- Baldwin, Wisconsin

12

13 Q. And how far is that from I.C. Systems?

14 A. Approximately, 90 miles roundtrip.

15 Q. Roundtrip?

16 A. Yep.

17 Q. Okay. So about 45 miles away?

18 A. Sure.

19 Q. And tell me about your education.

20 A. I went to high school, graduated.

21 Q. Did you get a diploma?

22 A. Yep.

23 Q. And what was the name of that high school?

24 A. Spring Valley High School.

25 Q. Did you go to college after that?

NANCY BRITTON

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1 A. I did do some college.

2 Q. Where did you go to college?

3 A. High Tech University.

4 Q. Where is that?

5 A. Bloomington, I believe is the address.

6 Q. Yes, please.

7 A. I said, "Bloomington, I believe is the address." I
8 don't recall --

9 Q. I thought you said, Do you want the address? Did
10 you grow up in Illinois?

11 A. Illinois?

12 Q. Or Indiana. I'm sorry. Indiana. Where is
13 Bloomington?

14 A. Minnesota.

15 Q. Oh, okay. There's lots of Bloomington's.

16 MR. SCOTT: South of the city.

17 Q. (By Mr. Herring) Okay. So you grew up in
18 Minnesota?

19 A. Wisconsin.

20 Q. Okay. Wisconsin. And did you get a degree from
21 High Tech University?

22 A. No.

23 Q. What were you there to study?

24 A. Certified nursing assistant.

25 Q. And how long did you attend High Tech University?

NANCY BRITTON

8

- 1 A. I don't recall.
- 2 Q. Was it more or less than a year?
- 3 A. I don't remember. I did not finish the program.
- 4 Q. Okay. And why is that?
- 5 A. I went back to work full time.
- 6 Q. And by the way, when did you graduate high school?
- 7 A. '95.
- 8 Q. How long have you worked in the debt collection
- 9 industry?
- 10 A. Eight years.
- 11 Q. Okay. Since --
- 12 A. On and off, eight years.
- 13 Q. Since 2001?
- 14 A. Um-hum.
- 15 Q. And what was the first debt collection company you
- 16 worked for?
- 17 A. Alliance One.
- 18 Q. Where are they located?
- 19 A. Mendota Heights, Minnesota.
- 20 Q. How long did you work for them?
- 21 A. Over three years.
- 22 Q. Okay. And why did you leave there?
- 23 A. Changes in pay structure.
- 24 Q. And where did you go after that?
- 25 A. That's when I went to I.C. System.

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1 Q. Okay. Did you take time off between
2 I.C. System -- I mean Alliance One and
3 I.C. Systems?

4 A. Nope.

5 Q. Are you represented by a lawyer today?

6 A. Yes.

7 MR. SCOTT: Yes.

8 Q. (By Mr. Herring) Did you review any documents in
9 preparation for your deposition?

10 A. Yes.

11 Q. And what did you review?

12 A. Documentation on the accounts.

13 Q. Okay. Is that the collection notes?

14 A. Correct.

15 Q. Did you review any handwritten notes?

16 A. No.

17 Q. At the time that you were working Ms. Hall's
18 account, did you keep any handwritten notes?

19 A. No.

20 Q. Did you -- at the time you were working the
21 account, did you always type your notes directly
22 into the system?

23 A. Yes.

24 Q. Did you do that while you were talking or after you
25 got off the phone with the debtor?

NANCY BRITTON

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1 A. A little bit of both.

2 Q. Okay. Did you review any other documents?

3 A. No.

4 Q. Did you discuss your testimony with anyone prior to
5 today?

6 MR. SCOTT: Besides me.

7 THE WITNESS: No.

8 Q. (By Mr. Herring) Besides the lawyer?

9 A. (Witness shakes head.)

10 Q. Did you speak -- have you spoken with
11 Jeremy Cleveland about his testimony?

12 A. No.

13 Q. Did you speak with Rod Volkers about his testimony?

14 A. No.

15 Q. Did you speak with Jeremy -- I can't remember
16 Jeremy's last name --

17 A. Levitt.

18 Q. Levitt. -- about his testimony?

19 A. No.

20 Q. Did you speak with him about your testimony?

21 A. No.

22 Q. Did you speak with Sue Johnson about your
23 testimony?

24 A. No.

25 Q. Prior to today, you haven't discussed your

NANCY BRITTON

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1 testimony with anyone?

2 A. Other than him, no.

3 Q. Okay. Did you discuss that with him prior to

4 today?

5 A. Prior to today?

6 Q. Yes, ma'am.

7 A. I guess, can I clarify --

8 MR. SCOTT: Well, I'm going to object to

9 what was discussed with me.

10 THE WITNESS: Okay.

11 MR. SCOTT: You can tell him if you met

12 with me.

13 THE WITNESS: I met with him.

14 Q. (By Mr. Herring) Prior to today?

15 A. Yes.

16 Q. Okay. That's fine. And have you -- this is a

17 little bit different question: Have you discussed

18 Ms. Hall's file with anyone other than your

19 attorney prior to your testimony today?

20 A. I guess I don't know what -- I guess I don't know

21 exactly what you're asking. What do you mean?

22 Q. Did you give a statement related to Ms. Hall's

23 file?

24 A. No. Oh, I apologize. Yes.

25 Q. Okay.

NANCY BRITTON

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1 A. I apologize. Yes. When the -- when the -- when
2 the case initially came up, yes.

3 Q. Okay. And was that a recorded statement or a
4 written statement?

5 A. Written.

6 Q. Okay. Did you meet with any investigators --
7 I.C. System's investigators regarding Ms. Hall's
8 file?

9 A. No.

10 Q. Okay. Did you review Ms. Hall's file prior to
11 giving that statement?

12 A. Yes.

13 Q. Have you ever been arrested?

14 A. Yes.

15 Q. How many times?

16 A. Twice.

17 Q. And what was that for?

18 A. DWI.

19 Q. Both times?

20 A. One time. The other time was a warrant for bad
21 checks.

22 Q. When were you arrested for DWI?

23 A. Six years ago. Five or six years ago.

24 Q. And where was that?

25 A. In Hammond, Wisconsin.

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- 1 Q. Is Hammond the name of the city?
- 2 A. Yes.
- 3 Q. What county is it in?
- 4 A. Pierce -- no. I apologize. St. Croix.
- 5 Q. St. Croix?
- 6 A. Correct.
- 7 Q. How do you spell that?
- 8 A. S-t. C-r-o-i-x.
- 9 Q. And did you -- what was the result of that arrest?
- 10 A. I got fined.
- 11 Q. Did you plead guilty? Was there a trial?
- 12 A. I pled no -- no contest. I'm sorry.
- 13 Q. Okay. Did you have to serve any time?
- 14 A. No.
- 15 Q. Did you have to pay a fine?
- 16 A. Yes.
- 17 Q. How much was that?
- 18 A. I have no idea.
- 19 Q. Okay. The bad check, tell me about that.
- 20 A. That was even longer ago. I wrote a bad check.
- 21 Q. Just one bad check?
- 22 A. I don't directly recall.
- 23 Q. Okay. Could it have been more than one?
- 24 A. It could have been.
- 25 Q. Could it have been as many as ten?

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- 1 A. I highly -- no.
- 2 Q. Could it have been as many as five?
- 3 A. I don't recall.
- 4 Q. Okay. Give me your best judgment as to when that
- 5 was.
- 6 A. Eight or nine years ago.
- 7 Q. And where was this?
- 8 A. Spring Valley, Wisconsin, I believe.
- 9 Q. And what county is that?
- 10 A. Pierce.
- 11 Q. And what happened as a result of that warrant?
- 12 A. Went to jail.
- 13 Q. Do you remember what the total value of the bad
- 14 checks was?
- 15 A. No, I do not.
- 16 Q. Okay. How much time did you serve in jail?
- 17 A. I was bailed out immediately.
- 18 Q. Do you remember who posted bail for you?
- 19 A. Rose Coleman.
- 20 Q. Is that a friend of yours?
- 21 A. Grandmother.
- 22 Q. Grandmother. Okay. And did you have a -- go to
- 23 trial on that?
- 24 A. No.
- 25 Q. Did you plead guilty?

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- 1 A. Just paid them immediately.
- 2 Q. You paid whoever you had written the check to
- 3 immediately?
- 4 A. Um-hum.
- 5 Q. Okay. Did you know at the time you wrote the check
- 6 that it was a bad check?
- 7 A. No.
- 8 Q. Have you ever been arrested any other times?
- 9 A. No.
- 10 Q. Have you ever been convicted of any other crimes?
- 11 A. No.
- 12 Q. Have you ever been convicted of a felony?
- 13 A. No.
- 14 Q. Have you ever sued anyone?
- 15 A. Yes.
- 16 Q. Okay. Tell me about that. First of all, how many
- 17 were there?
- 18 A. Twice.
- 19 Q. Two lawsuits?
- 20 A. Correct.
- 21 Q. Were you the plaintiff?
- 22 A. Correct.
- 23 Q. Okay. What was the first one?
- 24 A. I sued a bill collection agency.
- 25 Q. And do you remember the style of that case?

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- 1 A. I have no idea.
- 2 Q. Do you remember who it was you sued?
- 3 A. No, I do not.
- 4 Q. Do you remember when it was?
- 5 A. It's been a few years.
- 6 Q. Okay. Was it more than ten years ago?
- 7 A. No.
- 8 Q. More than five years ago?
- 9 A. I would say between five to seven years ago.
- 10 Q. And you don't remember who it was you sued?
- 11 A. I don't recall the name of the company.
- 12 Q. Do you recall who your lawyer was?
- 13 A. Yes, I do.
- 14 Q. Who is that?
- 15 A. Tommy Lyons, Jr.
- 16 Q. Do you know where that suit was filed?
- 17 A. No, I do not.
- 18 Q. Was it in Minnesota?
- 19 A. I don't know if it was Wisconsin or Minnesota.
- 20 Q. Would it have been either one or the other?
- 21 A. I believe so.
- 22 Q. And what were the allegations of that lawsuit?
- 23 A. Unlawful collections.
- 24 Q. Did you sue them -- at the time you sued them, were
- 25 you, yourself, a debt collector?

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1 A. Yes.

2 Q. Do you know who you were employed with at the time?

3 A. I believe Alliance One.

4 Q. And what was it that you were alleging in that
5 case? I know unlawful collections, but what
6 specifically was the conduct that lead to those
7 allegations?

8 A. I'm not allowed to discuss that case.

9 Q. Well, the Complaint -- is the Complaint public
10 record?

11 A. I don't know per -- I'm not allowed to discuss the
12 case.

13 Q. You're not allowed to discuss any aspect of the
14 case?

15 A. As far as I'm aware, no.

16 Q. Okay. Did that case result in a settlement?

17 A. Yes.

18 Q. Was your deposition taken in that case?

19 A. No.

20 Q. Did you give any kind of sworn testimony?

21 A. Yes -- no. Wait.

22 Q. Did you answer written discovery?

23 A. Yes.

24 Q. Okay. Where is Tommy Lyons, Jr., located?

25 A. Vadnais Heights. I had to think. Vadnais Heights.

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- 1 Q. Dennis Heights?
- 2 A. Vadnais Heights.
- 3 Q. Can you spell that for me?
- 4 A. V-A-D-N-I-A-S (sic) Heights.
- 5 Q. Is that where his office is?
- 6 A. I believe so still.
- 7 Q. Is that here in Minneapolis?
- 8 A. Minnesota, yeah, St. Paul.
- 9 Q. Okay. And what was the other suit?
- 10 A. Another collection agency.
- 11 Q. The first suit that you were sued on, were they
- 12 collecting a debt that you actually owed?
- 13 A. Technically.
- 14 Q. Was it on a credit card?
- 15 A. No.
- 16 Q. Okay. What was the debt that you technically owed?
- 17 A. I don't believe I'm able to disclose that.
- 18 Q. When was the second lawsuit?
- 19 A. Two to -- two years ago. Two to three years ago
- 20 perhaps -- three years -- between two to three
- 21 years ago.
- 22 Q. Okay. And who was your lawyer in that case?
- 23 A. Tommy Lyons.
- 24 Q. And who did you sue in that case?
- 25 A. I don't believe I'm allowed to disclose that

1 either.

2 Q. You're not -- it's your understanding that
3 according to the terms of the settlement you're not
4 even allowed to say who it was you sued?

5 A. I don't know whether I am or not.

6 Q. Okay.

7 A. So I'd prefer not to take a chance.

8 Q. Okay. Do you know who it is?

9 A. Yes.

10 Q. And what were the claims of that lawsuit?

11 A. Unlawful collection.

12 Q. And what actions made up the unlawful collections?

13 A. I don't know if I can answer that.

14 Q. Okay. Here's what I'd like to do: Can we take a
15 break and you call your attorney and ask him about
16 the terms of the settlement? Because most all
17 lawsuits that are filed, unless they involve a
18 minor, are public record and so the allegations
19 would be in the lawsuit itself. Most settlements
20 that have confidentiality are typically only as to
21 the terms of the settlement. So do you know how to
22 get in touch with your attorney?

23 A. I don't have his number on hand, no.

24 MR. HERRING: Okay. Is there a -- let's
25 take a short break and get a phone book.

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1 MR. SCOTT: Stan, why -- why don't we
2 just move on and -- and we'll look into this and
3 see what she can disclose or not and we can revisit
4 it later.

5 MR. HERRING: Well, here's the problem:
6 This is my chance to depose her. So, I mean, are
7 you going to pay for me to fly back --

8 MR. SCOTT: No. If we need to fill in
9 details, that's probably something you can handle
10 on the phone, don't you think?

11 MR. HERRING: By a phone deposition?

12 MR. SCOTT: Yeah. I mean, if you're just
13 filling in some details, I mean, you're going to --

14 MR. HERRING: Okay. So you're saying
15 that if it's something I want to ask questions on,
16 you'll agree to put her up a second time?

17 MR. SCOTT: Yeah. We'll put her back up
18 by phone if we need to fill in some details.

19 Q. (By Mr. Herring) All right. And did you give
20 testimony in that case?

21 A. Written.

22 Q. Okay. You were not deposed?

23 A. No.

24 Q. Have you ever given a deposition?

25 A. No.

- 1 Q. Have you ever given testimony in court?
- 2 A. Yes.
- 3 Q. And what was that related to?
- 4 A. Restraining Order.
- 5 Q. Okay. And when was that?
- 6 A. Five, six years ago.
- 7 Q. Okay. In what county and what city?
- 8 A. I believe it was Pierce County, Ellsworth,
- 9 Wisconsin.
- 10 Q. Did you say Ellsworth?
- 11 A. Yes.
- 12 Q. And who is the Restraining Order against?
- 13 A. Troy Peterson.
- 14 Q. And I don't want you to go into great detail; but
- 15 just generally, why was it that you had to get a
- 16 Restraining Order?
- 17 A. Harassment.
- 18 Q. Okay. I mean, was he a boyfriend or a --
- 19 A. Yes.
- 20 Q. -- husband? Okay. Have you given testimony in
- 21 court any other time?
- 22 A. Yes.
- 23 Q. Okay. When else?
- 24 A. Restraining Order. Probably a year-and-a-half, two
- 25 years ago.

- 1 Q. Okay. What city and county?
- 2 A. I believe it's St. Croix, Hudson, Wisconsin.
- 3 Q. Okay. And who is that against?
- 4 A. Keomani Vang.
- 5 Q. Is that another boyfriend?
- 6 A. No.
- 7 Q. Who is that?
- 8 A. The girlfriend of my child's father.
- 9 Q. Girlfriend of your child's father. All right.
- 10 Have you ever given any other testimony in court?
- 11 A. No. Not that I recall.
- 12 Q. Have you ever been sued?
- 13 A. Yes.
- 14 Q. And when was that?
- 15 A. Years ago.
- 16 Q. More than ten?
- 17 A. I believe so.
- 18 Q. Okay.
- 19 A. Perhaps. Between 8 to 12 years ago.
- 20 Q. Okay. And what were you sued for?
- 21 A. Not paying a bill.
- 22 Q. Do you recall who you were sued by?
- 23 A. Hiawatha National Bank, I believe.
- 24 Q. And was there a trial?
- 25 A. Huh-uh.

- 1 Q. Did you pay the bill after they sued you?
- 2 A. Years later.
- 3 Q. Did y'all reach a settlement in that case?
- 4 A. Huh-uh. No.
- 5 Q. Did it stay on the trial docket until you paid the
- 6 bill?
- 7 A. I believe so.
- 8 Q. Did you have a lawyer in that case?
- 9 A. No.
- 10 Q. Was that in small claims court?
- 11 A. I believe so.
- 12 Q. Do you know how much it was they sued you over?
- 13 A. I don't recall.
- 14 Q. Okay. And where was that?
- 15 A. Pierce or St. Croix County.
- 16 Q. Okay. Is there any other lawsuits filed against
- 17 you?
- 18 A. I had another judgment against me.
- 19 Q. Okay. And when was that?
- 20 A. Again, 8 to 12 years ago.
- 21 Q. Okay. Was that in Pierce or St. Croix County?
- 22 A. Yep.
- 23 Q. Was that for a debt?
- 24 A. Yep.
- 25 Q. And who was it that sued you in that case?

- 1 A. Sunshine Daycare.
- 2 Q. How much was it that they sued you for?
- 3 A. I don't recall.
- 4 Q. And did you pay that judgment off?
- 5 A. Yes.
- 6 Q. Okay. Any other lawsuits against you?
- 7 A. I don't believe so.
- 8 Q. When you were hired by I.C. Systems, did you have
- 9 to disclose all this information to them?
- 10 A. I believe so.
- 11 Q. And did you discuss that with them after that --
- 12 during the interview?
- 13 A. I don't know if there was a time frame or -- I
- 14 don't know.
- 15 Q. Okay. How long have you been licensed -- licensed
- 16 as a debt collector in Minnesota?
- 17 A. Since '01.
- 18 Q. Have you ever had your license revoked or
- 19 suspended?
- 20 A. Absolutely not.
- 21 Q. Have you ever been the subject of an enforcement
- 22 action by the State of Minnesota?
- 23 A. No.
- 24 Q. Or any department of the State of Minnesota?
- 25 A. Nope.

1 Q. Have you ever had to appear and give testimony
2 before any commission related to debt collection
3 activities in the State of Minnesota?

4 A. State that question again, please.

5 Q. Have you ever had to appear before any state
6 commission in Minnesota to give testimony related
7 to debt collection activities?

8 A. No.

9 Q. Have you ever had to answer a Complaint that was
10 filed against you?

11 A. No.

12 Q. Okay.

13 A. Outside of this, obviously.

14 Q. What about any other state?

15 A. No.

16 Q. Are you licensed to collect debt through any other
17 state?

18 A. No.

19 Q. Tell me, when you were hired by I.C. Systems, what
20 was your training in regards to documenting a
21 collection call?

22 A. What aspect?

23 Q. Well, when you'd take a call or make a call, what
24 are the kinds of things that you were supposed to
25 document in regards to the conversation?

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1 A. Where you're calling, result of the call, that you
2 verified their information, verified the
3 Mini Miranda, reason for delinquency, source of
4 income, outgoing calls.

5 Q. Were you trained that if you talked to -- attempted
6 to contact the debtor and spoke with a third party
7 that you were supposed to document that?

8 A. (No response.)

9 Q. Do you know what I mean by "third party"?

10 A. Yes. I know what you mean by "third party." I
11 guess re-ask the question.

12 Q. Were you trained that if you attempted to contact
13 the debtor at a number --

14 A. Um-hum.

15 Q. -- and spoke with a third party, in other words,
16 somebody other than the debtor answered the phone
17 and you spoke with that person, were you trained
18 that you were supposed to document that fact?

19 A. Absolutely.

20 Q. Okay. And is there a particular notation that you
21 were supposed to put in the file to document that?
22 I mean, is there an abbreviation or a code or
23 anything like that?

24 A. You would have your action and your result code.

25 Q. And what's the action or result code for talking to

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1 somebody other than the debtor?

2 A. It depends on the call. I mean, there's an action
3 and result code with follow-up documentation, if
4 needed.

5 Q. Okay. Tell me what you mean by "action and result
6 code."

7 A. The first two letters of the documentation should
8 be the action code. The second two letters should
9 be the result code. It's a four letter code.

10 Q. Okay. Can you -- looking -- well, let me actually
11 give you the actual exhibit. Is that code
12 different for the TSYS System versus the ARMS
13 system?

14 A. Sometimes, yes.

15 Q. I guess looking at the collection notes -- and
16 there are three or four different sets -- will you
17 give me an example of what you're talking about?

18 A. Right here (indicating).

19 Q. Okay.

20 MR. SCOTT: Which page are you looking
21 at?

22 THE WITNESS: I am --

23 MR. SCOTT: Look at -- look at the Bates
24 Number down at the bottom of the page.

25 THE WITNESS: 197, 0197.

NANCY BRITTON

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1 MR. SCOTT: All right. Thanks.

2 Q. (By Mr. Herring) Okay. What line are you looking
3 at?

4 A. I am looking at one, two, three, four -- the fifth
5 line down.

6 Q. Okay. And it's dated 01-18-09, time, 14:02:33. Is
7 that the line you're talking about?

8 A. Um-hum.

9 Q. You need to answer out loud.

10 A. Oh, I apologize. Yes.

11 Q. Okay. Tell me what code you're talking about.

12 A. The first four letters denotes action and result
13 code.

14 Q. Okay. So "TORP"?

15 A. Um-hum.

16 Q. And that's required to be on -- that's required to
17 be in the documentation of every conversation that
18 you would note in these records; is that correct?

19 A. Correct.

20 Q. And so the first two would be telephone out?

21 A. Correct. Telephone --

22 Q. It's ARMS. "TO" -- whatever it is, it's telephone
23 out or telephone something. And then "RP." So the
24 action is telephone out and the RP is refusal to
25 pay?

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1 A. Um-hum.

2 Q. Okay. And if you telephoned out and ended up
3 speaking with a third party, according to your
4 training, you would be required to note that;
5 correct?

6 A. Correct.

7 Q. And what would be the code for that?

8 A. It would be noted after that code.

9 Q. Okay. Would it be -- if the third party didn't say
10 anything about payment or anything like that, would
11 it be noted as refusal to pay?

12 MR. SCOTT: Object to the form of the
13 question. Go ahead and answer if you understand
14 the question.

15 THE WITNESS: I'm sorry. Repeat the
16 question.

17 MR. HERRING: He's going to object to the
18 way I ask questions because he thinks they're
19 confusing or doesn't like the question or doesn't
20 like the way I asked it; but if you understand it,
21 you need to answer it.

22 THE WITNESS: Okay.

23 MR. HERRING: Okay. If he thinks I'm
24 getting into something privileged, like what y'all
25 discussed, he'll advise you not to answer --

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1 THE WITNESS: Okay.

2 MR. HERRING: -- and then we'll go from
3 there. But I guess my question -- what I was
4 trying to figure out was is if you called a number
5 for a debtor and spoke with the third party, would
6 it ever -- would that action/result code ever
7 result in a refusal to pay?

8 MR. SCOTT: Object to the form.

9 Q. (By Mr. Herring) I mean, is that a proper code to
10 put in if you talk to a third party and don't talk
11 to the debtor?

12 A. In some -- some instances, yes.

13 Q. Okay. And if you talk to a third party, is there
14 some abbreviation that y'all normally have for
15 that?

16 A. It would be noted after the action/result code.

17 Q. Okay. But what I'm saying is would it be, like,
18 you know, discuss TP, third party, or spoke TP,
19 third party; or is there some notation of a third
20 party contact; or would you just write out third
21 party or person not the debtor or a parent or a
22 neighbor or something like that?

23 MR. SCOTT: Object to the form of the
24 question.

25 THE WITNESS: Each -- I mean, it's -- as

1 long as it's documented, I don't believe that
2 there's a specific set in stone...

3 Q. (By Mr. Herring) Way to document that?

4 A. Correct.

5 Q. Is that what you're saying?

6 A. (Witness nods head.)

7 Q. Okay. Is that a yes?

8 A. Yes.

9 Q. All right. What was your training in regards to
10 whether or not you can discuss a debt or the
11 collection of a debt with someone other than the
12 debtor you're trying to contact?

13 A. There's continually training on that area.

14 Q. Okay. Well, tell me, what was that training? What
15 did they tell you you could do or not do?

16 A. As far as talking to a third party?

17 Q. Correct.

18 A. Not allowed to do so. On -- obviously, unless they
19 are represented -- the third party is an attorney,
20 the third party is a spouse and it states that it's
21 allowed.

22 Q. What about if the third party is a parent?

23 A. Not unless the person is under the age of 17 in
24 certain states.

25 Q. What about in regards to obtaining location

1 information?

2 A. What is your direct question?

3 Q. What are you allowed to discuss with a third party

4 in regards to obtaining location information?

5 What's your understanding?

6 A. As far as discussing the account, nothing.

7 Q. Okay. So if you call and talk to a third party,

8 are you allowed to ask for location information for

9 the debtor?

10 A. Yes.

11 Q. In doing that, are you allowed to disclose that

12 you're a debt collector?

13 A. No.

14 Q. Are you allowed to disclose that you're collecting

15 a debt?

16 A. No.

17 Q. Are you allowed to disclose that the debtor owes --

18 owes money to you or to somebody else?

19 A. No.

20 Q. If you have location information for the debtor,

21 are you allowed to contact a third party to try to

22 obtain location information?

23 A. If you -- can you repeat the question again?

24 Q. If you already have location information for the

25 debtor that --

- 1 A. Correct.
- 2 Q. -- that you believe is accurate, are you allowed to
- 3 contact a third party to try to obtain further
- 4 location information?
- 5 A. If you believe it to be correct?
- 6 Q. Yes.
- 7 A. No.
- 8 Q. Okay. Are you allowed to ask a third party to
- 9 deliver a message to the debtor?
- 10 A. In certain states, yes.
- 11 Q. Okay. What about in Alabama?
- 12 A. In Alabama, yes.
- 13 Q. Okay. And under what circumstances can you do
- 14 that?
- 15 A. I don't understand your question.
- 16 Q. Well, are there certain circumstances that you
- 17 could not ask a third party to deliver a message to
- 18 a debtor?
- 19 A. If you've already previously talked to the debtor
- 20 that day.
- 21 Q. Okay. Then, under those circumstances, you could
- 22 not call back and ask the third party to deliver a
- 23 message to the debtor?
- 24 A. Correct. Correct. Yes.
- 25 Q. Are you allowed to ever ask a third party to ask

1 the debtor to pay their debt?

2 A. No.

3 Q. Okay. Are you allowed to call somebody's neighbor
4 and ask them to get a message to a debtor?

5 A. In certain states, yes.

6 Q. What about in Alabama?

7 A. Yes.

8 Q. Okay. And how do you know that?

9 A. Continual training on laws.

10 Q. Do you recall where you saw that information?

11 A. No. I do not directly recall.

12 Q. Do you recall a document that said that?

13 A. I can't say yes or no.

14 Q. Okay. This -- the training that you received, the
15 ongoing training, do you receive materials as a
16 result of that?

17 A. Yes.

18 Q. Do you keep those?

19 A. Yes.

20 Q. Okay. Do you still have those?

21 A. They're hanging up at our desks.

22 Q. Okay. Would -- the statement that in Alabama
23 you're allowed to ask a neighbor to deliver a
24 message to a debtor, would that be in one of
25 those -- in some of those materials?

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1 MR. SCOTT: Object to the form of the
2 question.

3 THE WITNESS: Not that direct statement,
4 no.

5 Q. (By Mr. Herring) Okay. How -- would it appear in
6 those materials in some other form?

7 A. The assumption, yes.

8 Q. What do you mean "the assumption"?

9 A. If it's not denoted as not allowed to leave
10 third-party messages, then, yes, you are able to do
11 so.

12 Q. Okay. Would you be able to go and look and find
13 that and provide that to your lawyer?

14 A. Yes.

15 Q. Okay. Would you do that after this deposition?

16 MR. SCOTT: Yes.

17 THE WITNESS: Yes.

18 MR. HERRING: I need to take, like, a
19 two-minute break. I'm sorry.

20 MR. SCOTT: All right.

21 (Recess from 12:29 p.m. to 12:34 p.m.)

22 Q. (By Mr. Herring) If a debtor in the course of a
23 call asks you to quit calling them or not to call
24 back, according to your training, what are you
25 supposed to do in response to that?

1 A. It depends on the state.

2 Q. In the State of Alabama, what are you supposed to
3 do?

4 A. The State of Alabama, explain to them that is not
5 the proper way to cease.

6 Q. What are you supposed to say?

7 A. That's it.

8 Q. Are you supposed to advise them on the proper way
9 to cease?

10 A. No.

11 Q. So you don't -- you're not required to say, "You
12 need to put that in writing to me"?

13 A. Alabama, no.

14 Q. Okay. Is there a state law in Alabama that you're
15 aware of that governs debt collection activity?

16 A. Can I get my cheat sheet? No.

17 Q. Do you have a sheet that tells you what the various
18 state's laws are?

19 A. Easily accessible at all times.

20 Q. Okay. Is that a hard copy, or is that on the
21 computer?

22 A. On our computer, it will flash on the account brief
23 notes; and then you have your hard copy as well.

24 MR. HERRING: Okay. John, can I get a
25 copy of that?

1 MR. SCOTT: We will look into it.

2 MR. HERRING: You're shocked that I asked
3 that; aren't you?

4 MR. SCOTT: My list is getting longer and
5 longer.

6 Q. (By Mr. Herring) Okay. Did -- who's your
7 supervisor, by the way?

8 A. Rod -- at this time, Jamie Lebakken.

9 Q. Okay. At the time you were collecting on the Hall
10 account, who was your supervisor?

11 A. Rod Volkers.

12 Q. Okay. What did Rod -- did Rod ever train you or
13 talk to you about what you were supposed to do in
14 regards to when a debtor says, "Please don't call
15 me" or asks you to stop calling?

16 A. I don't know if he did specifically. It's
17 continual training.

18 Q. Okay. Who provided you continual training?

19 A. We have semi-annuals and training classes with
20 our -- I think it would be our training department.

21 Q. Okay. Did Rod ever train you?

22 A. On -- on different things, yeah.

23 Q. Okay. Was that normally during the course of a
24 call or after a call if he heard something that
25 concerned him?

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1 A. Yes.

2 Q. Okay. And did -- have you ever been disciplined
3 or written up while you were employed with
4 I.C. Systems for collection activity?

5 A. No.

6 Q. What about at any other collection firm that you've
7 worked for?

8 A. No.

9 Q. Okay. Have you ever had to be coached by Rod in
10 regards to any of your collection activity?

11 A. I'm always getting coached to make sure that
12 everything is perfect.

13 Q. Okay. Is that the goal at I.C. Systems, for
14 everything to be perfect?

15 A. That would be ideal and the goal for every company,
16 I believe.

17 Q. Okay. And tell me how it is you would define that
18 goal of being perfect in collecting debt.

19 A. That all laws are followed, an arrangement is -- is
20 met, negotiation is done, money is received on the
21 account, the account is taken care of.

22 Q. Okay. At the time of -- that you were collecting
23 on Ms. Hall's account, how much were you being
24 paid?

25 A. \$15.45 an hour.

1 Q. And did you have any kind of bonus structure in
2 place at that time?

3 A. Yes.

4 Q. And what was that?

5 A. It was a commission structure based on dollars
6 collected.

7 Q. And by "dollars collected," do you mean actual
8 dollars received?

9 A. Dollars collected from debtors, yes.

10 Q. That doesn't include, though, promises?

11 A. Correct.

12 Q. I mean, if a debtor promised to pay \$200 and
13 didn't, you wouldn't get a commission --

14 A. Yes.

15 Q. -- on just the amount promised?

16 A. Correct.

17 Q. Okay. And tell me how that worked, that
18 commission.

19 A. You had a goal. If you hit the goal or above the
20 goal, you were paid out a certain percentage.

21 Q. Okay. And what was the goal?

22 A. My goal for -- my goals vary every month.

23 Q. Okay. Do you recall in October 2009 what your
24 goals were?

25 A. October --

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1 Q. I'm sorry. 2008.

2 MR. SCOTT: 2008, yeah.

3 THE WITNESS: Is that when I took her
4 payment?

5 MR. HERRING: No. That's when
6 I.C. Systems received this account.

7 THE WITNESS: Okay. I don't recall.

8 Q. (By Mr. Herring) Do you know what it was in
9 November 2008?

10 A. My goals fluctuate and change sometimes on a
11 monthly basis so no.

12 Q. Okay. Can you give me a -- a range of what your
13 goals are?

14 A. Anywhere between -- I believe 20 would have been
15 the lowest that a goal would be up to, I believe,
16 my goal has been as high as 55, 60, maybe 65.

17 Q. Okay. And the way that works is if you reach that
18 goal -- for instance, if you collect 20,000 when
19 it's set at 20,000, what happens?

20 A. That's when you have earned your commission.

21 Q. Okay. And what percentage is your commission of
22 what you collect?

23 A. Each month would be a little different. Our -- our
24 commission structure changes as well.

25 Q. Okay. Can you give me a range?

1 A. I would, for example, the last time that I can
2 recall, take dollars earned times the percentage
3 that we received from the client and then multiply
4 that by the percentage that I earned for the month
5 and that would equal my commission.

6 Q. Okay. So dollars received --

7 A. Um-hum.

8 Q. -- times percent received from client. Is that the
9 percent of the total debt?

10 A. That's whatever the client is paying us in fees on
11 that particular month, that particular -- that
12 particular month is what they were paying for fees.

13 Q. Okay. So, for example, if a client owed -- I mean,
14 if a -- now, when you say "client," who are you
15 referring to?

16 A. Target.

17 Q. Okay. So dollars earned times percent received
18 from Target?

19 A. What they're paying, the percentage of fees they
20 are paying.

21 Q. And tell me what that means. I don't understand
22 that.

23 A. They pay us a percentage of what they collect and
24 it's called "fees."

25 Q. Okay. And you multiply that times the percentage

1 you earn. Is that your monthly base wage?

2 A. No. What I earned for the month could be teamwise,
3 did we earn a 3.5 percent payout, did we earn a
4 3 percent payout, depending on performance,
5 depending on commission structure that changed.

6 Q. Do you recall whether in -- well, let me ask it
7 this way: Since January -- do you get that
8 commission paid on a monthly basis to you or that
9 bonus?

10 A. Yes, if you earn it.

11 Q. Okay. Did you receive a bonus for the month of
12 October of this year? That would be last month.

13 A. Have I received it yet?

14 Q. Are you going to receive one?

15 A. Yes.

16 Q. Okay. And how much is that?

17 A. For -- October's commission was \$1,000.

18 Q. Did you receive one in September?

19 A. Yes.

20 Q. Do you recall what that was?

21 A. \$3,138.

22 Q. Do you recall what it was in August?

23 A. Around 2,200. That's of '09; correct?

24 Q. Correct. I guess I assume you'd be able to
25 remember going back better than you would if I

- 1 started last October; right?
- 2 A. Right.
- 3 Q. Do you know what it was in July?
- 4 A. That's --
- 5 Q. Is that --
- 6 A. That's probably as far as I can go.
- 7 Q. Okay. Do you know what you received in total
- 8 bonuses for 2008?
- 9 A. 2008?
- 10 Q. For the entire year.
- 11 A. I averaged between 15 to \$1,600 per month.
- 12 Q. Okay. Was there ever a month that you did not get
- 13 a bonus in 2008?
- 14 A. I -- I believe I did not bonus in -- I don't recall
- 15 what month, but I believe there was one month I did
- 16 not bonus in in 2008.
- 17 Q. Do you remember if it was in the last quarter of
- 18 2008?
- 19 A. I believe that it was in the beginning of the year.
- 20 I don't recall the month.
- 21 Q. Okay. Now, the bonuses that you get, is that -- do
- 22 you rely on those each month in order to make ends
- 23 meet and to be able to pay your bills?
- 24 A. Yeah. Yes.
- 25 Q. Okay. I mean, if you don't get the bonus, do you

1 have a hard time paying your bills?

2 A. No.

3 Q. Okay. You're able to make it without the bonus?

4 A. Yes.

5 Q. Do you recall if you got a bonus in December 2008?

6 A. 2008?

7 Q. Yes.

8 A. I -- well, yeah. I would have, yes.

9 Q. Okay. All right. I want you to look at the
10 collection logs. Let me ask you this: Did you
11 enter data on the TSYS system?

12 A. Yes.

13 Q. Okay. And on the ARMS System as well?

14 A. Yes.

15 Q. Okay. I guess we'll start with the TSYS System.
16 Will you go through there and -- first of all, what
17 is your operator code on the TSYS system?

18 A. ZE -- ZE7863.

19 Q. ZE7863?

20 A. I believe so.

21 Q. Okay. So looking at Page 183, does that match up
22 with what you recall?

23 A. Yes.

24 Q. Okay. And that's January the 2nd. Will you look
25 at the collection activity prior to January the 2nd

1 and let me know if -- if it appears that you
2 collected on this account? I think the first one I
3 see is on Document 188. There's a call on 10-20 --
4 what's the date on that? 10-20-08?

5 A. What are you looking for? Yes. I see what you're
6 looking at, 10-20-08, ZE7863, that is me.

7 Q. Okay. Do you recall that -- that phone call,
8 entering this data?

9 A. Do I recall it specifically?

10 Q. Yes.

11 A. No.

12 Q. Okay. What -- and can you tell from this what you
13 did or what happened on that call?

14 A. The phone number was changed.

15 Q. Okay. Would you have changed that, or was that
16 changed by the system?

17 A. That would have been changed by me.

18 Q. Okay. And you don't recall how it was you got that
19 phone number, do you?

20 A. That number was on there, and I changed it to
21 taking out the area code.

22 Q. Okay. To show it as a bad number?

23 A. Correct.

24 Q. Okay. What was the next activity you had on this
25 account?

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- 1 A. That would be 11-4 of '08.
- 2 Q. Okay. And do you recall -- do you have an
- 3 independent memory of this phone call?
- 4 A. Just off my notes.
- 5 Q. Okay. But without the notes, do you remember the
- 6 phone call itself, what was said?
- 7 A. No.
- 8 Q. Okay. How many calls were you making a day during
- 9 this time period?
- 10 A. Between 100 to 150 maybe.
- 11 Q. Okay. And how many debtors do you think you were
- 12 speaking with on a daily basis during this time
- 13 period?
- 14 A. I wouldn't even have a good guess. I --
- 15 Q. Do you think it's a half or a third?
- 16 A. Oh, there's no way that it was half. Maybe
- 17 anywhere between 10 to 20 contacts a day maybe.
- 18 Q. Okay. Okay. What was -- and what happened on that
- 19 call?
- 20 A. She was unable to pay. I offered her one, two,
- 21 three options. Three options.
- 22 Q. Okay. Is one of those options that you offered her
- 23 the hardship plan that Target does?
- 24 A. All three of them are hardship programs.
- 25 Q. Are those hardship programs within I.C. Systems or

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1 hardship programs that would kick the account back
2 to Target?

3 A. All three of these options that I offered her would
4 remove her from our office.

5 Q. Okay. And what would happen -- if she gets removed
6 from your office and makes payments, would you
7 receive a commission based on that or would those
8 payments count toward your commission?

9 A. Payments received do count towards my commission.

10 Q. So whether she stays in your office or not, you
11 still get a commission on that; is that what you're
12 saying?

13 A. If I hit my goal, correct.

14 Q. Okay. And is that, as you understand it,
15 regardless of what contract y'all are under with
16 Target or not?

17 MR. SCOTT: Object to the form of the
18 question. If you know.

19 THE WITNESS: I don't understand the
20 question.

21 Q. (By Mr. Herring) Do you have any understanding
22 about how Target compensates I.C. Systems for the
23 people that collect on its --

24 A. No.

25 Q. Okay. And so you're not aware that -- whether or

1 not you receive a payment -- if an account gets
2 kicked back to Target may depend on what -- on what
3 contract is in place at that time; is that correct?

4 A. I don't really understand your question.

5 Q. Okay.

6 A. I don't know the contract between my company and
7 Target, no.

8 Q. Okay. And you have no knowledge of how that
9 affects your commission?

10 A. If we -- if we do better in -- I don't even -- our
11 commission, we earn a higher percentage per our
12 performance in buckets.

13 Q. Okay. What was the next time you had any
14 interaction with this account?

15 A. On January 2, 2009.

16 Q. Okay. So you didn't see or try to collect on this
17 account prior to January 2, 2009?

18 A. No.

19 MR. SCOTT: Other than what she's
20 obviously testified to.

21 MR. HERRING: Yeah. Yeah. I'm sorry.

22 Q. (By Mr. Herring) Okay. Can you tell if this was a
23 call that you made or that the dialer made or if it
24 was an incoming call?

25 A. She called us.

- 1 Q. How can you tell that?
- 2 A. Page 181.
- 3 Q. All right.
- 4 A. On the "5:21, Action/Result Code, Action, Primary
5 Guest Telephoned." That means she contacted me.
- 6 Q. Okay. And what was the result?
- 7 A. Payment was set up online.
- 8 Q. All right. And what were the terms of that
9 payment?
- 10 A. Can you define what you mean by "terms"?
- 11 Q. Well, I want you to tell me all the terms that were
12 documented on -- regarding that payment.
- 13 A. Okay. She would set up the 173. It would be dated
14 for the 14th. That at that point was her minimum
15 payment to get out of our office, and she'll go
16 back to Target at -- which she could set up a
17 hardship with them.
- 18 Q. Okay. Where in the note does it say that that's
19 the minimum payment to get out of your office?
- 20 A. It does not say that on these notes.
- 21 Q. Okay. Where does it say that she could go back and
22 get set up on a hardship plan with Target?
- 23 A. It -- I did not document that on this entry note.
- 24 Q. Okay. How do you know that that was a part of the
25 terms of the agreement?

1 A. Because I already offered her three different -- I
2 offered her the three hardship programs this time
3 that I did previously. So she didn't set up the
4 hardship with us. If she wanted to remain out of
5 our office, she was to contact Target to set up a
6 hardship with them.

7 Q. Okay. So do you remember this conversation?

8 A. Somewhat.

9 Q. Okay. So you have some recollection of having this
10 conversation with Ms. Hall?

11 A. Somewhat, yes.

12 Q. Okay. Tell me about the conversation that you had
13 before this call.

14 A. Before this call?

15 Q. Yes.

16 A. Couldn't.

17 Q. Tell me about the conversation that you had after
18 this call.

19 A. If you give me a specific name, I would love to do
20 that for you.

21 Q. Okay. But you can't tell me as you sit here today?

22 A. I can't tell you the next person after this call,
23 no.

24 Q. Okay. So if I'd just give you the name of
25 somebody, you believe you might be able to recall

1 the conversation that you had?

2 A. If you gave me the name and my notes, my
3 documentation, yes, it's very possible.

4 Q. And was there anything else about the conversation
5 that you remember?

6 A. About this conversation?

7 Q. Correct.

8 A. She just started working. She wanted to commit to
9 one payment only. I would have loved to have set
10 the hardship up right then and there. She didn't
11 know how the new job was going to work. She didn't
12 know exactly how she was going to get paid. So we
13 did the minimum payment, and she was going to
14 contact Target because then she would have a better
15 idea of what was going on with her pay.

16 Q. Okay. And you remember the details about she
17 didn't know how the job was going to work?

18 A. She just started her job.

19 Q. Okay. Are you assuming that, or do you actually
20 remember that part of the conversation?

21 A. Your client and I had a very good talk. She didn't
22 want to set up any additional payments.

23 Q. Okay. You remember that it was a good talk?

24 A. Yes.

25 Q. Okay. And do you remember how long that

1 conversation lasted?

2 A. I don't remember exactly, but I know that it was
3 not a quick call.

4 Q. Okay. And you -- I just want to make sure I'm
5 clear.

6 A. Um-hum.

7 Q. You talk to an average of between 10 and 20 people
8 a day and you work 5 days a week; correct?

9 A. Correct.

10 Q. And so you talk to an average of between 50 and --
11 I'm sorry. I'm tired.

12 A. Understandable.

13 Q. Between 50 and 100 people a week?

14 A. Some weeks, yes, give or take.

15 Q. Okay. And that's week in and week out?

16 A. Correct.

17 Q. And given all those people between that
18 conversation and today, you still remember the
19 details of that conversation?

20 A. Your lawsuit came before today.

21 Q. Okay.

22 A. I had to answer to this some time ago.

23 Q. So --

24 A. So there was less time between this conversation
25 and the time that I had to go back.

1 Q. That's fine. That's fair. Given all the
2 conversations you had between the time you talked
3 with her and the time you wrote your statement, you
4 still remember the details of that conversation?

5 A. Some of them, yes.

6 Q. Okay.

7 A. I take pride in my work, sir.

8 Q. All right. And this is one you remember?

9 MR. SCOTT: Asked and answered several
10 times.

11 Q. (By Mr. Herring) Okay. You don't remember the
12 other conversations you had with Ms. Hall, but you
13 remember this particular one?

14 A. Like I stated, bring me my notes and a specific
15 call and it's very possible I may remember those
16 calls as well, sir.

17 Q. Okay. Do you recall any other details of the
18 conversation?

19 A. I -- no, not -- that I can recall right now, no.
20 Not that I can recall.

21 Q. Okay. Do you recall whether or not you told
22 Ms. Hall when it was she was supposed to call
23 Target?

24 A. Immediately after the payment posted.

25 Q. Okay. And how do you know that?

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1 A. Because that's what I did on every call.

2 Q. Okay. And did you document any of this in the call
3 log?

4 A. It doesn't seem to be, no.

5 Q. Okay. And is that something you would normally
6 document or not document?

7 A. I -- I don't believe that I documented that on
8 probably any of the calls prior to her.

9 Q. Okay. So in terms of a -- of an agreement like
10 that, outside of the payment, you don't normally
11 document -- or at least prior to her, you didn't
12 normally document those type of terms?

13 MR. SCOTT: I'm going to object to the
14 form of the question.

15 THE WITNESS: Her terms with us were to
16 set up the payment. That -- that's what her terms
17 were with us directly, what she needed to do to
18 remain on good standings with her account were
19 terms that she needed to set up with Target
20 directly. She needed to take the initiative on her
21 own to get the terms renegotiated on her file.

22 Q. (By Mr. Herring) And do you know whether or not she
23 contacted Target?

24 A. According to the TSYS notes, she did not make a
25 call to Target.

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1 Q. Okay. Will you show me in the TSYS notes where it
2 says that?

3 A. There's no inbound call or calls to her showing
4 that after the payment was made that she contacted
5 Target.

6 Q. If she contacted Target directly, that would be in
7 the TSYS notes?

8 A. Yes, sir.

9 Q. Okay. And how do you know that?

10 A. Because we work on their direct system.

11 Q. Okay. So the TSYS System documents are supposed to
12 document all collection activity on the Target
13 account, regardless of whether it takes place on
14 the Target side or on the I.C. System's side?

15 MR. SCOTT: Object to the form of the
16 question.

17 Q. (By Mr. Herring) Is that correct?

18 A. All documentation is done on that -- on TSYS --
19 repeat the question to make sure I'm --

20 Q. Is the TSYS System supposed to document all
21 collection activity or any calls regarding the
22 collection activity on both the Target side and the
23 I.C. System's side?

24 A. Yes.

25 Q. Okay. And how do you know that?

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1 A. It's just known.

2 Q. How is it known?

3 A. Each person is given an identification number.

4 That identification number will denote which

5 company you're with, and you can see the other

6 documentation at the same time as ours.

7 Q. And do you know what the Target policies and
8 procedures are in regards to what their employees
9 are supposed to log into the TSYS System?

10 A. No, I do not.

11 Q. Okay. Will you show me in the records -- are you
12 aware of any indication that the account was sent
13 back to Target from I.C. Systems between
14 January 2nd and January the 18th?

15 A. Through this WCAD screen, no.

16 Q. Okay. Do you know whether or not it was sent back
17 to Target?

18 A. Yes, it was.

19 Q. Okay. How do you know that?

20 A. Because when the Complaint came in, we viewed the
21 file and on the IAED screen by pressing "F9," it
22 was able to be viewed that the account did leave
23 our office.

24 Q. Between January 2nd and January the 18th?

25 A. Oh, I apologize. Not between -- oh, yes, between

1 those dates. After the -- after the payment
2 posted.

3 Q. Okay. So you remember after the lawsuit came in
4 you were looking at the computer screen?

5 A. Correct.

6 Q. And who was with you?

7 A. I don't believe anybody was with me at that point.

8 Q. Okay. So you were by yourself. And what screen
9 were you looking at?

10 A. IAED, F9.

11 Q. What is that?

12 A. I don't have a -- that's -- I don't have a specific
13 name for it. It holds the transfer codes. It
14 holds agency codes. It shows that -- if the
15 account is requeued. It'd also show on this WCAD
16 screen if it is requeued to remove it from our
17 office. Those notes update frequently.

18 Q. Okay.

19 A. Well --

20 Q. Is that a permanent record?

21 A. I don't believe so.

22 Q. Okay. But that -- the event that it was
23 documenting -- documenting happened back in January
24 and it was still in that system after we filed our
25 lawsuit?

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- 1 A. When did we get your documentation?
- 2 Q. April the 6th, 2009?
- 3 A. Yes.
- 4 Q. Okay. And when you viewed that, did you do a print
- 5 screen or do anything like that to save that?
- 6 A. No.
- 7 Q. Okay. Were you looking at that at anybody's
- 8 request or on your own?
- 9 A. My own.
- 10 Q. Okay. And it's your testimony that it showed that
- 11 the account had been sent back to Target back in
- 12 January?
- 13 A. Yes.
- 14 Q. Okay. And that Target had sent it back to
- 15 I.C. Systems --
- 16 A. Yes.
- 17 Q. -- during that same period.
- 18 A. Yes.
- 19 Q. Okay. And you're -- you're clear about that, that
- 20 all that happened after the lawsuit?
- 21 A. The -- yes.
- 22 Q. Okay. Do you recall whether you ever spoke with
- 23 Ms. Hall's parents?
- 24 A. Don't recall.
- 25 Q. If you had, is that something you would have

1 documented in the file?

2 A. Yes.

3 Q. And if you talked to them and didn't document that
4 in the file, what do you think would happen if
5 I.C. Systems became aware of that?

6 A. I would have disciplinary action taken against me.

7 Q. Is that something, as you understand it, you can be
8 terminated over?

9 A. Yes.

10 Q. And is there a document that you're aware of that
11 trains Target debt -- I.C. System's collectors that
12 collect for Target that discusses the hardship
13 options?

14 A. Yes.

15 Q. And when and how you're supposed to offer those?

16 A. Yes.

17 Q. Does it discuss whether or not you're supposed to
18 document those in the I.C. System's files?

19 MR. SCOTT: Object to the form of the
20 question.

21 THE WITNESS: I -- I guess I don't
22 understand your question. Can you rephrase it,
23 please?

24 Q. (By Mr. Herring) Does it offer any kind of training
25 on whether or not you are supposed to document if

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1 you make that offer to a debtor?

2 MR. SCOTT: Object to the form of the
3 question.

4 THE WITNESS: If you make the offer, I
5 believe so, yes.

6 Q. (By Mr. Herring) Okay. And what's the name of that
7 document?

8 A. Quick Source.

9 Q. And is that the online resource that --

10 A. Correct.

11 Q. Is there any other document that you're aware of?

12 A. Our -- I went to Quick Source for all my hardship
13 programs.

14 Q. Okay. Have you changed the way you document
15 or handle collection calls since you handled
16 Ms. Hall's call?

17 A. No.

18 Q. Okay. Have you been disciplined in any way for any
19 of the -- for the way you collected Ms. Hall's
20 account?

21 A. No.

22 Q. Do you know if there's any intent or investigation
23 regarding or with the potential disciplinary action
24 into the way you handled Ms. Hall's account?

25 A. No.

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1 MR. HERRING: All right. That's all I
2 have.
3 MR. SCOTT: No questions. Read and sign.
4 (The deposition concluded at 1:20 p.m.)
5 (The original transcript has been
6 delivered to Mr. Herring; copies to Mr. Herring
7 and Mr. Scott.)
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1 C E R T I F I C A T E

2

3 I, Lori L. Okeson, RPR, hereby certify that I am
4 qualified as a verbatim shorthand reporter, that I took
5 in stenographic shorthand the deposition under oath of
6 **NANCY BRITTON**, at the time and place aforesaid;

7

8 That the foregoing transcript is a true and
9 correct, full and complete transcription of the testimony
10 of this witness, to the best of my ability;

11

12 That the review of the transcript was not waived;

13

14 That the cost of the original transcript has been
15 charged to the party who noticed the deposition and that
16 all parties who ordered copies have been charged at the
17 same rate for such copies;

18 That I am not a relative or employee of any of the
19 parties or a relative or employee of any of the
20 attorneys;

21 That I have no interest, financial or otherwise, in
22 this action and have no contract with the parties or
23 attorneys or persons with an interest in this action;

24 Witness my hand and seal this 21st day of November,
25 2009, in Cold Spring, Minnesota.

26

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LORI L. OKESON
Registered Professional Reporter

My Commission Expires: 01/31/2010

1 I, **NANCY BRITTON**, certify and state that I have
2 read and examined the typewritten transcript of the
3 deposition of me taken in the matter of Angela M. Hall
4 vs. I.C. System, Inc., a Corporation, on November 18,
5 2009, and believe the same to be true and correct, except
6 as follows:

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<u>Page No.</u>	<u>Line No.</u>	<u>Correction</u>
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(CERTIFICATE MUST BE RETURNED BY JANUARY 8, 2010.)

Dated this ____ day of _____, 2010.

NANCY BRITTON

Reported by: Lori L. Okeson

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